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PROPOSED REVISIONS TO THE  
HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER

Attachment 1: Proposed Revisions

Attachment 2: Rationale for Proposed Revisions

The proposed revisions to the Agreement will be available for public comment from April 26 to May 25.

Comments should be mailed to:

Timothy L. Nord, Hanford Project Manager  
Washington Department of Ecology  
MS PV-11  
Olympia, WA 98504



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Attachment 1

**PROPOSED REVISIONS  
TO THE HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER**

Article VIII, Dispute Resolution, paragraph 29.B., revise DOE official:

DOE's designated member of the DRC is the Assistant Manager for Environmental Management of the Richland Operations Office.

Correct typo, Article XIII, Work, paragraph 38:

Reference should be Chapter 7.0 rather than Chapter 6.0

Article XV, Resolution of Disputes, paragraph 50.D., revise DOE official:

DOE's representative on the DRC is the Assistant Manager for Environmental Management of the Richland Operations Office.

Replace Article XXX, Quality Assurance, paragraph 94:

94. Throughout all sample collection, preservation, transportation, and analyses activities required to implement this Agreement, DOE shall use procedures for quality assurance, and for quality control, in accordance with approved EPA methods, including subsequent amendments to such procedures. The DOE shall comply with the "Data Quality Strategy for Hanford Site Characterization" (as listed in Appendix F of the Action Plan) and Sections 6.5 and 7.8 of the Action Plan. For special circumstances, other procedures approved by the lead regulatory agency may be used. The DOE shall use methods and analytical protocols for the parameters of concern in the media of interest within detection and quantification limits in accordance with both QA/QC procedures and data quality objectives approved in the work plan, RCRA closure plan or RCRA permit. The EPA or Ecology may require that DOE submit detailed information to demonstrate that any of its laboratories are qualified to conduct the work. The DOE shall assure that EPA and Ecology (including contractor personnel) have access to laboratory personnel, equipment and records related to sample collection, transportation, and analysis.

Replace Article XXXV, Sampling Data/Document Availability, paragraph 101:

101. The DOE shall transmit the results of laboratory analytical data and non-laboratory data collected pursuant to this Agreement to EPA and Ecology in an expeditious manner, as specified in Section 9.6 of the Action Plan.

Article XXXVII, paragraph 106, fourth sentence, correct typo:

"...obtain access agreements that: provide that no conveyance..."

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ARTICLE XLVIII, paragraph 143, correct paragraph reference on last line of page 75:

Change "Paragraph 127" to Paragraph 143.

Executive Summary, page 2, CERCLA, second paragraph, insert following after third sentence:

These four areas were officially listed on the NPL on November 3, 1989 (Federal Register 41015, October 4, 1989).

Executive Summary, page 10, Current Status, last bullet, delete opening phrase:

"In anticipation of being listed on the NPL,"

Section 3.1, fourth paragraph, next to last line, correct typo:

"u nits" to units

Section 3.4.2, second bullet, after "Priority Waste Management Policy", add:

(Ecology 86-07)

Section 4.2, revise first sentence:

"The EPA, DOE, and Ecology shall each designate an individual as a unit manager for each operable unit, each TSD group/unit, or other specific Agreement activity on which they participate."

Section 5.4, second paragraph, first sentence, revise:

"Since the Hanford Site was proposed for inclusion on the National Priorities List (NPL) (Federal Register, June 24, 1988) and was placed on the NPL on November 3, 1989 (Federal Register, October 4, 1989), the parties agree..."

Section 6.5 (New Section), Quality Assurance

The level of quality assurance and quality control (QA/QC) for the collection, preservation, transportation, and analysis of each sample which is required for implementation of this Agreement shall be dependent upon the data quality objectives for the sample. Such data quality objectives shall be specified in RCRA closure plans, the RCRA permit, and any other relevant plans that may be used to describe sampling and analyses at RCRA TSD units.

The QA/QC requirements shall range from those necessary for non-laboratory field screening activities to those necessary to support a comprehensive laboratory analysis that will be used in final decision-making. This range of QA/QC options is included in the "Data Quality Strategy for Hanford Site Characterization" (as listed in Appendix F). This document is subject to approval by EPA and Ecology.

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Based upon the data quality objectives, the DOE shall comply with EPA guidance documents for QA/QC and sampling and analysis activities which are taken to implement the Agreement. Such guidance includes:

- o "Guidelines and Specifications for Preparing Quality Assurance Program Plans" (QAMS-004/80);
- o "Interim Guidance and Specifications for Preparing Quality Assurance Project Plans" (QAMS-005/80);
- o "Data Quality Objectives for Remedial Response Activities" (EPA/540/G-87/003 and 004); and
- o "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA/SW-846).

In some instances, RCRA TSD units are included in operable units and are scheduled for investigation and closure as part of the operable unit remedial action. DOE shall follow the provisions of Section 7.8 for QA/QC for sampling and analysis activities at these land disposal units.

In regard to quality assurance requirements for construction of RCRA land disposal facilities, DOE shall comply with "Technical Guidance Document: Construction Quality Assurance for Land Disposal Facilities" (EPA/530-SW-86-031).

For analytical chemistry and radiological laboratories, the QA/QC plans must include the elements listed in "Guidance on Preparation of Laboratory Quality Assurance Plans" (as listed in Appendix F). DOE shall submit laboratory QA/QC plans to EPA and Ecology for review as secondary documents prior to use of that laboratory. In the event that DOE fails to demonstrate to the lead regulatory agency that data generated pursuant to this agreement was obtained in accordance with the QA/QC requirements of this section, including laboratory QA/QC plans, DOE shall repeat sampling or analysis as required by the lead regulatory agency. Such action by the lead regulatory agency shall not preclude any other action which may be taken pursuant to this Agreement. For other data, Ecology or EPA may request DOE to provide QA/QC documentation. Any such data that does not meet the QA/QC standards required by this section shall be clearly flagged and noted to indicate this fact.

Section 7.1, third paragraph, first sentence, revise:

"The 100, 200, 300, and 1100 Areas were identified as aggregate areas for inclusion of the Hanford Site on the CERCLA NPL."

Section 7.1, third paragraph, fourth sentence, revise:

"The four aggregate areas were proposed for inclusion on the NPL on June 24, 1988, and were placed on the NPL on November 3, 1989 (Federal Register, October 4, 1989)."

Section 7.3.1, insert after fourth sentence:

The four aggregate areas of the Hanford Site were officially placed on the NPL effective November 3, 1989 (Federal Register Vol. 54, No. 191, p. 41015).

Section 7.3.6, paragraph 1, add after first sentence:

A supplemental work plan to the RI/FS work plan will be prepared to cover the RI Phase II activities. This work plan will be placed in the Public Information Repositories.

Section 7.5, page 7-21, fifth bullet, add after "Chapter 70.98" RCW

Section 7.5, page 7-21, seventh bullet, change "70.105C RCW" to "70.105D RCW" and add:

and implementing regulations;

Model Toxics Control Act Cleanup Regulation--173-340 WAC

Section 7.7, Health Assessments, replace as follows:

The Agency for Toxic Substances and Disease Registry (ATSDR) is a part of the U.S. Public Health Service, which is under the U.S. Department of Health and Human Services. The ATSDR was created by Congress to help implement the health-related sections of laws that protect the public from hazardous waste and environmental spills of hazardous substances. The CERCLA requires ATSDR to conduct a health assessment within one year following proposal to the NPL for any site proposed after October 17, 1986.

The ATSDR health assessment is the result of the evaluation of data and information on the release of hazardous substances into the environment. Its purpose is to assess any current or future impacts on public health, to develop health advisories or other health recommendations, and to identify studies or actions needed to evaluate and mitigate or prevent adverse human health effects.

The ATSDR will prepare a preliminary health assessment for each of the four Hanford NPL areas (the 100, 200, 300, and 1100 Areas). Since the RI Phase I reports for these areas will not be available within one year following the proposal of Hanford to the NPL, these preliminary health assessments will be based upon the best available information.

As additional information becomes available, and as appropriate, ATSDR may, at its discretion, expand these preliminary health assessments into full health assessments adding to the overall characterization of

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the site, or prepare addenda to the health assessments addressing the public health impact of either individual or a combination of operable units at the site.

The health assessments, including any addenda, will become part of the administrative record.

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Section 7.8 (New Section), Quality Assurance

The level of quality assurance and quality control (QA/QC) for the collection, preservation, transportation, and analysis of each sample which is required for implementation of this Agreement shall be dependent upon the data quality objectives for the sample. Such data quality objectives shall be specified in RI/FS or RFI/CMS work plans or in other work plans that may be used to describe sampling and analyses at CERCLA or RCRA past-practice units.

The QA/QC requirements shall range from those necessary for non-laboratory field screening activities to those necessary to support a comprehensive laboratory analysis that will be used in final decision-making. This range of QA/QC options is included in the "Data Quality Strategy for Hanford Site Characterization" (as listed in Appendix F). This document is subject to approval by EPA and Ecology.

Based upon the data quality objectives, the DOE shall comply with EPA guidance documents for QA/QC and sampling and analysis activities which are taken to implement the Agreement. Such guidance includes:

- o "Guidelines and Specifications for Preparing Quality Assurance Program Plans" (QAMS-004/80);
- o "Interim Guidance and Specifications for Preparing Quality Assurance Project Plans" (QAMS-005/80); and
- o "Data Quality Objectives for Remedial Response Activities" (EPA/540/G-87/003 and 004).

In regard to quality assurance requirements for construction of land disposal facilities, DOE shall comply with "Technical Guidance Document: Construction Quality Assurance for Land Disposal Facilities" (EPA/530-SW-86-031).

For analytical chemistry and radiological laboratories, the QA/QC plans must include the elements listed in "Guidance on Preparation of Laboratory Quality Assurance Plans" (as listed in Appendix F). DOE shall submit laboratory QA/QC plans to EPA and Ecology for review as secondary documents prior to use of that laboratory. In the event that DOE fails to demonstrate to the lead regulatory agency that data generated pursuant to this agreement was obtained in accordance with the QA/QC requirements of this section, including laboratory QA/QC plans, DOE shall repeat sampling or analysis as required by the lead regulatory agency. Such action by the lead regulatory agency shall not preclude any other action which may be taken pursuant to this Agreement. For other data, Ecology or EPA may request DOE to provide QA/QC documentation. Any such data that does not meet the QA/QC standards required by this section shall be clearly flagged and noted to indicate this fact.

Section 8.2, first sentence, delete "monthly"

Section 8.2, add new second sentence:

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For TSD groups and operable units, meetings shall be held monthly once work plans, closure plans, or Part B permit applications have been submitted to EPA and Ecology for review.

Section 8.3, first paragraph, change March 30 to March 31

Section 9.2.1, paragraph 3, correct third paragraph to include previously omitted phrase:

Upon receiving written comments from the lead regulatory agency, the DOE will update the document and/or respond to the comments (for closure plans, comments will be provided in the form of an NOD). The response will address all written comments and will include a schedule for obtaining additional information if required. The DOE may request an extension for a specified period for responding to the comments by providing a written request to the lead regulatory agency.

Section 9.2.1, paragraph 4, next to last sentence, revise:

"Within 21 days of completion of the dispute resolution, or within 30 days of receipt of the lead regulatory agency evaluation of the responses if there is no dispute..."

Section 9.2.1, paragraph 4, last sentence, delete "30-day"

Section 9.2.1, paragraph 5, last sentence, change "requested" to "notified DOE of the need for"

Section 9.3, add:

Minor changes to approved plans which do not qualify as minor field changes under Section 12.4 can be made through use of a change notice. Such plans include RI/FS work plans, remedial action work plans, RFI/CMS work plans, CMI work plans, and other work plans as described in Section 11.5. (Modifications to permits and closure plans will be done in accordance with applicable procedures specified in 173-303 WAC and 40 CFR 270.41.) The change notice will not be used to modify schedules contained within these supporting plans. Such schedule changes will be made in accordance with Section 12.0, Changes to Action Plan/Supporting Schedules.

Minor changes to approved plans include specific additions, deletions, or modifications to its scope and/or requirements which do not affect the overall intent of the plan or its schedule. The lead regulatory agency will evaluate the need to revise the plan. If the revision is determined to be necessary, the lead regulatory agency will decide whether it can be accomplished through use of the change notice, or if a full revision to the plan in accordance with this section is required.

The change notice will be prepared by the appropriate DOE unit manager and approved by the assigned unit manager from the lead regulatory agency. The approved change notice will be distributed as

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part of the next issuance of the applicable unit managers' meeting minutes. For RI/FS and RFI/CMS work plans, the change notice will thereby become part of the Administrative Record. The change notice form shall, as a minimum, include the following:

- o Number and title of document affected
- o Date document last issued
- o Date of this change notice
- o Change notice number
- o Description of change
- o Justification and impact of change (to include affect on completed or ongoing activities)
- o Signature blocks for the DOE and lead regulatory agency unit managers

Section 9.4, revise address for administrative record:

- o U.S. Department of Energy - Richland Operations Office  
Administrative Record Center  
345 Hills Street  
(off George Washington Way)  
Richland, Washington 99352

Section 9.4, Table 9-3, Administrative Record Documents, add to list of "Factual Information/Data (CERCLA):

Supplemental work plan  
Health assessment  
Work plan change notice

Section 9.4 Table 9-3 Administrative Record Documents, add to list of "Factual Information/Data (RCRA):

Work plan change notice

Section 9.4, page 9-10, correct next to last bullet

"form" should be "from"

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## Section 9.6 (new section), Data Reporting Requirements

The unit managers will provide a list of the data collected at each operable unit on behalf of their respective parties at the monthly unit managers meetings. This will allow each party to determine its data needs and to establish the format, quality, and timing for submitting the data. This process will be followed until such time that electronic transfer of data from DOE to the regulators is established. At that time, Appendix F will be expanded to include a specific procedure for submittal of data to the regulatory agencies. The document to describe these procedures is the "Data Reporting Requirements for the Hanford Site."

The DOE shall make available to EPA and Ecology all validated laboratory analytical data collected pursuant to this Agreement within fifteen days of validation. Validation procedures (Data Validation Guidelines for Contract Laboratory Program Organic Analyses and Data Validation Guidelines for Contract Laboratory Program Inorganic Analyses) are being developed and shall be included in the Sample Management Administrative Manual. This requirement will be met with data entry into HEIS as soon as it becomes operational (see Section 9.7) or other environmental data bases currently in use. EPA and Ecology shall have direct "read-only" access to these data bases from remote locations.

The validation process shall not exceed twenty-one days after receipt of laboratory data. After electronic access to such data has been made available to the regulatory agencies, Ecology and EPA shall be notified of data availability via electronic mail or facsimile transmission. Notification shall occur within one week of data entry, and shall include the following information:

- date(s) of collection
- unit(s) where data collected
- type of data, e.g., ground water
- list of sample parameters, e.g., target compound list, Appendix IX, or discrete parameters

### 9.6.1 Non-Electronic Data Reporting

For data not available in electronic format, DOE shall meet the data reporting requirements by providing a summary list of new data at the unit managers meetings, or as otherwise requested by EPA or Ecology. This list will include, at a minimum, the information described in the preceding paragraph addressing notification. The lead regulatory agency shall determine on a case-by-case basis if data warrants a more detailed presentation or analysis. This reporting method shall also be used for field screening data. Field screening data shall be accompanied by maps or sketches with sufficient detail to determine where the data was obtained.

The information shall be submitted to the requesting party within ten days of receipt of EPA's or Ecology's written request, or as otherwise agreed to by the parties involved. In addition, other

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reporting requirements may be specifically required by the RCRA permit, RCRA closure plans or work plans.

#### 9.6.2 Data Analyses Schedules

The level of quality assurance for each sample shall meet the requirements of Article XXX and shall depend on the specified data quality objectives as stated in the specific sampling and analysis plan. Laboratory analysis and quality assurance documentation, excluding validation, shall be limited to the following schedule:

- Transuranic and hot cell analyses - 100 days annual average, but not to exceed 140 days
- Single-shell tank analyses - 180 days
- Low-level and mixed waste (up to 100 mr/hour) analyses - 75 days annual average, but not to exceed 90 days
- Nonradioactive waste analyses - 50 days

All schedules in this section are effective beginning with the date of individual sampling activities. For unique circumstances, a schedule other than that specified in this section can be agreed to by DOE and the lead regulatory agency.

The DOE shall make available to the regulatory agencies non-laboratory data collected pursuant to this Agreement (e.g., surface geophysical data) within thirty days after sampling has been completed.

DOE will integrate all of the data discussed in this section into the appropriate RCRA or CERCLA reports which are described in Section 6.0 and 7.0 in accordance with approved permits, closure plans, or work plans.

#### 9.6.3 Electronic Data Reporting Requirements

Computer-based information systems shall be defined as "Operational" when data may be entered and the system is capable of generating reports. Remote access to validated data in the following computer-based information systems supporting site investigation, remediation and closure action activities; will be provided to EPA, Ecology and their respective contractor staff in accordance with the following schedule:

1. Hanford Groundwater Database (HGWDB) - June 8, 1990
2. Hanford Environmental Information System (HEIS) - October 15, 1990 [HEIS is partially operational as defined in Section 9.6.4. HEIS does not include remote access to the Geographic Information System (GIS).]
3. Other databases indicated in Section 9.6.4 will be provided remote access in accordance with a schedule agreed to by the parties.

The term "remote access" is defined as emulating all read-only capabilities of the information system accessed, including data

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transfer. The GIS may be accessed by EPA, Ecology and their respective contractor staff in a DOE facility.

#### 9.6.4 Hanford Environmental Databases

There are a number of technical computer-based information systems that are currently in use or will be used in the future to support site investigation, remediation and closure action activities. Depending on the system selected, information may be provided by remote access or by hard copy for work plan development and site investigation. The information shall be provided by DOE within 10 days of receipt of written requests by EPA and Ecology or as otherwise agreed to by the parties involved. Those systems currently identified include:

- o Crib Waste Management (CWM)
- o Hanford Environmental Information System (HEIS) \*
- o Hanford Groundwater Database (HGWDB)
- o Hanford Meteorological Data Collection System (HMS)
- o Hazardous Waste Tracking Database (HWTB) \*
- o Laboratory Information Management System (LIMS) \*
- o Project and Data Management System
- o Richland Solid Waste Information Management System (RSWIMS)
- o Waste Information Data System (WIDS)

The above list may be modified during the course of the investigative process and remedial actions conducted at Hanford.

\* Information system in development

HEIS is being developed as part of a computer-based system necessary to support site investigation, remediation, and closure activities. The HEIS will serve to facilitate graphic interpretation and presentation of data. It will also provide a means of interactive access to selected data sets extracted from other databases that are relevant to the activities conducted pursuant to this agreement. The HEIS is scheduled to be partially operational in October 1990 and will access the HGWDB. HEIS will also include atmospheric, biotic, geophysics, geologic, and soil gas data.

Section 10.2, correct telephone number for DOE:

(509) 376-8583

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Section 10.2, revise Spokane information repository location:

- o Crosby Library  
Gonzaga University  
E. 502 Boone  
Spokane, Washington 99258  
(509) 328-4220

Section 10.3, paragraph 2, last sentence, revise as follows:

In some instances, this newsletter may be used in conjunction with a public notice and/or advertisement (newspaper or radio)...

Section 10.5.3, replace last two sentences with:

The quarterly public information meetings will be scheduled, to the extent practicable, to coincide with public comment periods or other significant events.

Section 10.6, second bullet, RI/FS Work Plan (CERCLA) or RFI/CMS Work Plan (RCRA), add last sentence:

The public notice published in the newspaper announcing the availability of work plans shall also indicate the location and availability of the Administrative Record file.

Section 10.9, first paragraph, revise first sentence:

The Model Toxics Control Act, Chapter 70.105D RCW and 173-321 WAC, provide for public participation grants to persons...

Section 10.9, first paragraph, delete third sentence:

Ecology anticipates adopting emergency rules to implement this program in July of 1989.

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Section 11.6 (new section), Supporting Technical Plans and Procedures

In addition to the requirements as specified in this Agreement, supporting technical plans and procedures may be developed by DOE. They will be reviewed for approval by EPA and Ecology as primary documents or reviewed as secondary documents as determined by EPA and Ecology. The DOE may submit such plans or procedures at any time, without request of the regulatory agencies. The EPA or Ecology may also request that specific plans or procedures be developed or modified by DOE, consistent with Article XXIX of the Agreement. These technical plans and procedures shall pertain to specific compliance and cleanup activities conducted pursuant to this Agreement and shall provide a detailed description of how certain requirements will be implemented at the Hanford Site. DOE shall comply with the most recent approved versions of these technical plans and procedures and those secondary documents which are in effect.

Appendix F contains a listing of current supporting technical plans and procedures and their respective status. Appendix F will be updated annually in conjunction with the annual update to the Work Schedule.

Section 12.2, add to third bullet:

It is not the intent of the parties to revise target dates because work is slightly behind or ahead of schedule. Such schedule deviations will be reflected through the reporting of work schedule status. The use of the change process for revising target dates is for use by the parties to delete, add, or significantly accelerate or defer a target date.

Section 12.5, second paragraph, insert new first sentence:

Appendices B, C, E, and F will be reissued annually in conjunction with the annual update of Appendix D. Appendices may be updated...

Appendix A, add following definitions:

**Validated Data:** Data that DOE has determined meets criteria contained in the "Data Validation Guidelines for Contract Laboratory Program Organic Analyses" and "Data Validation guidelines for Contract Laboratory Program Inorganic Analyses" that are contained in the Sample Management Administrative Manual.

**Verified Data:** Data that has been checked for accuracy and consistency by DOE following a transfer action (e.g., from manual log to computer or from distributed data base to centralized data repository).

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Appendix F (new appendix), Supporting Technical Plans and Procedures:

APPENDIX F

Supporting Technical Plans and Procedures

<u>Document</u>	<u>Status</u>
Strategy for Handling and Disposing of Purgewater at the Hanford Site, Washington	In review
Data Quality Strategy for Hanford Site Characterization	In review
Environmental Investigation and Site Characterization Manual (contains specific procedures governing Site investigation activities)	In review
Data Reporting Requirements for the Hanford Site	To be developed
Guidance on Preparation of Laboratory Quality Assurance Plans	To be developed
Data Validation Guidelines for Contract Laboratory Program Organic Analyses	In review
Data Validation Guidelines for Contract Laboratory Program Inorganic Analyses	In review

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## PROPOSED LAND DISPOSAL RESTRICTION PROVISIONS

Page 1, Executive Summary, Treatment, Storage, and Disposal, after second sentence add:

In 1984, Congress amended RCRA, imposing, among other things, additional restrictions on hazardous waste storage and disposal activities. These restrictions have been referred to as the Land Disposal Restrictions (LDR). Some of the mixed wastes which are stored at Hanford are subject to LDR and cannot be land disposed until the wastes are treated in accordance with LDR regulations, or a variance is granted under 40 CFR 268. These wastes are stored in underground tanks or in other mixed waste units.

At present, DOE does not have the capability to treat all of the LDR mixed wastes at Hanford in accordance with LDR, and until such treatment occurs, disposal is prohibited. The mixed waste treatment systems which are currently available and treatment systems which are planned for the future must satisfy prescribed LDR treatment requirements. Until treatment systems capable of treating the mixed waste to meet the LDR treatment standards become available for Hanford wastes, storage of existing wastes and wastes which will be generated will continue. However, such storage will be in accordance with an approved plan for the management of LDR mixed waste.

In addition to restrictions on land disposal, these LDR requirements also include specific conditions for storage of LDR wastes. The Department of Energy will submit schedules to develop and construct waste treatment systems necessary to achieve compliance with LDR storage requirements, which shall become effective upon approval by EPA (or Ecology upon authorization for LDR pursuant to Section 3006 of RCRA).

Page 4, revise bullet 3:

...including requirements covering permitting, interim status, land disposal restrictions, closure, and post-closure care;

Page 6-1, Section 6.1, Introduction, insert new last paragraph:

The RCRA land disposal restrictions (LDR) require that established treatment requirements be met prior to land disposal of hazardous wastes. While treatment capacity generally exists for the nonradioactive hazardous wastes which are subject to LDR, treatment is currently not available for the mixed wastes subject to LDR which require storage at the Hanford Site.

In accordance with Milestone M-26-00, DOE will submit the "Hanford Land Disposal Restrictions Plan for Mixed Wastes," (LDR Plan) to EPA and Ecology. This plan will describe a process for managing mixed wastes subject to LDR at the Hanford Site and will identify actions which will be taken by DOE to achieve full compliance with LDR requirements.

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These actions will be taken in accordance with approved schedules specified in the LDR Plan and in the Work Schedule (Appendix D). The DOE will submit annual reports which shall update the LDR Plan and the prior annual report, including plans and schedules. The annual report will also describe activities taken to achieve compliance and describe the activities to be taken in the next year toward achieving full compliance. The LDR Plan and annual reports are primary documents, subject to review and approval by EPA, in consultation with Ecology. EPA also has approval authority for schedules in the LDR Plan and annual reports. Changes to approved final schedules must be made in accordance with the Change Control System described in Section 12.0. When Ecology receives authorization from EPA to implement the LDR provisions of RCRA pursuant to Section 3006 of RCRA, Ecology will review and approve the annual reports, plans, and schedules, in consultation with EPA, and will otherwise administer the LDR requirements.

Page 11-1, add bullet:

- o Land disposal restriction requirements

Appendix A, add definition for land disposal restricted waste:

Land Disposal Restriction Waste (LDR): RCRA hazardous wastes, subject to Section 3004(d) through (m) of RCRA and 40 CFR 268.

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PROPOSED NEW MILESTONES TO ADDRESS LDR

M-20-47	Submit Part B permit application for 200 East Area LERF to EPA and Ecology	June 1991
M-26-00	<p>Submit "Hanford Land Disposal Restrictions Plan for Mixed Wastes" (LDR Plan) in accordance with "Requirements for the Hanford LDR Plan" issued by EPA and Ecology, dated April 10, 1990</p> <p>Land disposal restriction (LDR) requirements include limitations on storage of specified hazardous wastes (including mixed wastes). In accordance with approved plans and schedules, DOE shall develop and implement treatment technologies necessary to achieve full compliance with LDR requirements for mixed wastes at the Hanford Site. LDR plans and schedules shall be developed with consideration of other Action Plan milestones and will not become effective until approved by EPA (or Ecology upon authorization to administer LDR pursuant to Section 3006 of RCRA). Disposal of LDR wastes at any time is prohibited except in accordance with applicable LDR requirements. DOE shall comply with all applicable LDR requirements for nonradioactive wastes at all times. The LDR Plan will include, but not be limited to the following:</p> <ul style="list-style-type: none"><li>a. Waste Characterization Plan</li><li>b. Storage Report</li><li>c. Treatment Report</li><li>d. Treatment Plan</li><li>e. Waste Minimization Plan</li><li>f. A schedule, depicting the events necessary to achieve full compliance with LDR requirements</li><li>g. A process for establishing interim milestones</li></ul>	October 1990
M-26-01	<p>Submit an Annual Hanford Land Disposal Restrictions Report in accordance with the LDR Plan to cover the period from October 1 through September 30</p> <p>The reports shall include a description of activities taken in accordance with the LDR Plan and prior annual reports to achieve full compliance with LDR requirements. The reports shall update all information contained in the LDR Plan and the prior annual report, including plans and schedules.</p>	Annually Beginning October 1991

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M-26-02

Establish interim milestones for LDR compliance

Annually  
Beginning  
October 1990

Schedules for achieving compliance with LDR requirements at TSD mixed waste units (or as otherwise approved) shall be developed in accordance with the LDR Plan and the annual reports. Such schedules will be subject to review and approval by EPA (or Ecology upon authorization to administer LDR pursuant to Section 3006 of RCRA).

M-26-03

Cease discharge of 242-A Evaporator process condensate effluent to LERF units

December 1994

DOE may discharge process condensate effluent from the 242-A Evaporator to Liquid Effluent Retention Facility (LERF) units from December 1990 through December 1994 if (1) the placement of such effluent into LERF is necessary for completion of milestones required by the Agreement; (2) interim status authorization includes these units or a RCRA permit covering these units has been issued; (3) the units satisfy the requirements of 40 CFR Part 264, Subpart K, or 40 CFR Part 265, Subpart K; (4) the units maintain a floating cover which minimizes evaporation; (5) the units comply with all applicable hazardous waste requirements; and (6) prior certification of compliance with 40 CFR 268.4(a)(3) is submitted in accordance with 40 CFR 268.4(a)(4). Discharges of effluent containing hazardous waste subject to the land disposal restrictions other than process condensate from the evaporator to LERF is prohibited.

M-26-04

Remove all hazardous waste residues from the 242-A Evaporator LERF units

June 1995

Remove all hazardous waste residues (including any liquid waste) that do not meet LDR treatment standards and applicable prohibition levels imposed by regulation or statute and residues from wastes prohibited from land disposal where no treatment standards have been established and no prohibition levels apply, or which are not delisted pursuant to 40 CFR 260.22 and WAC 173-303-072.

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**RATIONALE FOR PROPOSED REVISIONS  
TO THE HANFORD FEDERAL FACILITY AGREEMENT AND CONSENT ORDER**

Article VIII, Dispute Resolution, Paragraph 29.B, and Article XV, Resolution of Disputes, Paragraph 50.D

The Department of Energy designated member of the Dispute Resolution Committee was changed to reflect the new Department of Energy organization.

Article XXX, Paragraph 94, Quality Assurance, and Action Plan Sections 6.5 and 7.8

Article XXX, Paragraph 94, of the May 15, 1989, Agreement included some very specific requirements in regard to Quality Assurance and Quality Control (QA/QC). This paragraph also contained some typographical errors. The parties have agreed that detailed requirements, such as those contained in Paragraph 94, would be more appropriate in the Action Plan. The parties have always intended that the legal portion of the Agreement be changed as little as possible over the coming years, while acknowledging that the Action Plan may have to change as new guidance, policy, regulations, and technology are developed.

Therefore, Article XXX, Paragraph 94, has been modified to contain a more general description of QA/QC requirements with specific reference to the new Section 6.5 and 7.8 of the Action Plan. Section 6.5 and 7.8 include more specific requirements for compliance with QA/QC protocols than were previously contained in Paragraph 94. Section 6.5 deals with RCRA permitting and compliance QA/QC issues, while Section 7.8 addresses QA/QC for past-practice units.

The proposed Paragraph 94 also includes a requirement that DOE comply with Data Quality Strategy for Hanford Site Characterization, a document that has been developed over the past months to define a graded approach to QA/QC to meet various data quality objectives for the Hanford Site. This strategy document is referenced in the newly created Appendix F of the Action Plan.

Article XXXV, Paragraph 101, Sampling and Data/Document Availability, and Section 9.6 - Data Reporting Requirements

A new section (9.6) is being added to the Action Plan to provide a more detailed description of how data will be transmitted from DOE to EPA and Ecology. Paragraph 101 of the Agreement has been shortened to include a requirement to comply with the specific provisions of Section 9.6. Paragraph 101 of the Agreement, as signed May 15, 1989, contained a general requirement for the parties to make data available to each other within 45 days of sample collection, with an extension to 90 days as necessary.

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Upon implementation, the parties found that more explicit direction was needed to avoid excessive reporting and inconsistent application. The parties also realized that the reporting periods were not realistic due to the unique problems encountered with highly radioactive and transuranic waste sampling and analysis.

The new Section 9.6 provides clear requirements and expectations to address the concerns noted above. Specific timeframes have been established for various types of sample analyses, for data validation, and data submittal. In addition, the methods for submittal are described, including provisions for remote access to the applicable DOE data bases by EPA and Ecology.

#### Executive Summary, pages 2 and 10, Section 5.4, Section 7.1, Section 7.3.1

Revisions were made to these sections to reflect the official listing of the Hanford Site on the National Priorities List (NPL). At the time the Agreement was signed, the Hanford Site had been proposed for the NPL. It was officially placed on the NPL on November 3, 1989.

#### Section 7.3.6, Remedial Investigation--Phase II

During the implementation of the Agreement, the parties have found that data gathered during the Phase I remedial investigation indicates that it would be beneficial to prepare a supplemental work plan prior to initiating the Phase II remedial investigation. This requirement is now being incorporated into the Action Plan.

#### Section 7.7, Health Assessments

The Agency for Toxic Substances and Disease Registry (ATSDR) requested that this section be revised to better reflect its involvement in conducting health assessments for the four Hanford NPL areas. The revised language was provided to the parties by the ATSDR.

#### Section 8.2, Unit Managers Meetings

The parties intended that monthly unit managers meetings would be held once work had started for an operable unit or a treatment, storage, or disposal (TSD) unit group. This intent was unclear in the language included in the May 15, 1989, Agreement.

#### Section 9.3, Document Revisions

Changes to the documents governing work being performed pursuant to the Agreement are occasionally necessary. Often, these changes are too minor to require the entire document to be revised. A provision is being added to allow minor changes to be made without reissuing the entire document. These changes will be documented through a change notice. The change notice must be approved by the unit manager from the lead regulatory agency and will become part of the Administrative Record.

#### Section 9.4, Administrative Record

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The Richland Administrative Record Center has been relocated to allow easier public access.

#### Section 10.2, Public Information Repositories

The Spokane Public Library was unable to provide sufficient space for the documents being placed in the public information repository. The Crosby Library, located at Gonzaga University, has agreed to operate the public information repository for Spokane.

#### Section 11.6, Supporting Technical Plans and Procedures

As Hanford cleanup and compliance activities progress, it is often necessary to develop technical plans and procedures in support of the Agreement activities. A new section (11.6) is being incorporated into the Action Plan to address the preparation, review, and approval of technical plans and procedures. These plans and procedures are prepared as either primary or secondary documents as defined in Action Plan Section 9.2. As the need for technical plans and procedures is identified, the specific plan or procedure is referenced in a new Appendix F of the Action Plan.

#### Section 12.2, Authority to Approve Changes

The intent of the parties is to avoid revising schedule target dates solely due to ahead- or behind-schedule conditions. The language in this section has been revised to clarify this intent.

#### Section 12.5, Revision of Action Plan

All of the Action Plan appendices (with the exception of Appendix A, Acronyms and Definitions) will be updated and issued annually. Previously the Agreement only discussed the annual update of the schedules contained in Appendix D. The Agreement language is being revised to reflect the annual update of all of the Action Plan appendices.

#### Appendix A, Definition of Terms Used in the Action Plan

Two new definitions are being added: validated data and verified data. These terms are being added to avoid confusion regarding the two levels of data review.

#### Land Disposal Restriction Provisions

Subsequent to the May 15, 1989, signing of the Agreement, the parties recognized that significant compliance actions were required relative to the storage and treatment of land disposal restricted (LDR) radioactive mixed wastes at Hanford. These compliance actions include provisions for storage of LDR mixed wastes until acceptable treatment systems can be constructed and operated.

The proposed Agreement modifications also provide for the storage of 242-A Evaporator process condensate in a surface impoundment until an effluent treatment system can be constructed. This was necessary due to the

significant role the evaporator plays in Hanford cleanup. The evaporator condenses wastes which are stored in double-shell tanks, thereby increasing the double-shell tank storage capacity. Double-shell tank space is needed for storage of pretreated waste from B Plant, to segregate wastes destined to grout and the Hanford Waste Vitrification Plant (HWVP), and for storage of wastes removed from single-shell tanks. Without the evaporator, Hanford would face severe double-shell tank space shortages.

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